



**AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE
SUPPORT FOR LAW SCHOOLS, BAR ASSOCIATIONS
AND JUDICIAL EXCHANGES IN MEXICO PROGRAM
QUARTERLY REPORT
CY 2011, QUARTER #4
NARRATIVE
AID-523-10-A-00001**

A. INTRODUCTION

Together with the enclosed results matrix, this is the American Bar Association Rule of Law Initiative's ("ABA ROLI") sixth Quarterly Report of the *Support for Law Schools, Bar Associations and Judicial Exchanges in Mexico Program* ("Program") funded by the United States Agency for International Development ("USAID"). The report includes Program background, personnel updates, and a results summary, along with eight (8) attachments and activity details in the accompanying results matrix.

This report covers the period of October-December 2011. It is based on the corresponding work plan approved by USAID on December 10, 2010.

Executive Summary

In order to bolster the implementation of the 2008 criminal justice reforms, and to support improvements in the legal education and legal profession regimes in Mexico, this quarter the Program planned and executed the following activities: (1) completion of the fourth and fifth oral advocacy trainings in Oaxaca, and Guanajuato, respectively; (2) support for Working Group involvement in a series of four roundtable discussions on the draft Federal Criminal Procedure Code; (3) incorporation of Working Group members' peer review feedback on draft versions of the Legal Profession Reform Index and the Legal Education Reform Index, and adoption of their first drafts; (4) support in the launch of a law school mock trial program in Mexico City and participation in a roundtable discussion on the draft Federal Criminal Procedure Code in Chihuahua; (5) logistical arrangements for the fourth "Sister Courthouse" visit to El Paso, Texas to be held in Q1 CY 2012; (6) preliminary arrangements for the sixth oral advocacy training, scheduled for next quarter in Chihuahua; (7) launch of the Program's website: <http://www.abaroli.mx/abaroli/index.php/es/>; and lastly, (viii) per USAID's request, the launch of a cost extension in December to modify the current award agreement until September 30, 2013 so that the Program can expand its scope in supporting legal education and legal profession reform efforts. With respect to this final activity, several of the Program's "judicial exchanges" components may be phased out.

In addition, the Program maintained close contact with the *Secretaría Técnica del Consejo*

de Coordinación para la Implementación del Sistema de Justicia Penal (“SETEC”), an institution which has regularly attended the Program’s Working Group meetings and has been duly informed of all programmatic activities. Moreover, the Program has continued meeting with the senior staff of Management Systems International (“MSI”) and other USAID/TIES partners such as the *Instituto Republicano Internacional* (“IRI”) in order to coordinate the Program’s activities with existing complementary initiatives and to facilitate high impact and sustainable results. For example, in a meeting with IRI representatives this quarter, Program staff agreed to explore the possibility of collaborating in CY 2012 to engage law schools and bar associations and build support for the implementation of the 2008 criminal justice reforms in upcoming political campaigns.

Finally, it is important to note that this quarter, Mr. Felipe Borrego, Secretary of SETEC, encouraged ABA ROLI to work together with a program supported by the Canadian Embassy that also aims to strengthen the legal profession in Mexico. A first meeting has already been scheduled for early January 2012. Under SETEC’s coordination, senior staff from both programs will be invited to share their respective experiences and explore areas of collaboration.

Program Background

The Program, which is supported by a USAID cooperative agreement, aims to work closely with Mexican private and public justice sector operators to: (1) create a sustainable mechanism to alleviate the state and federal government burden of retraining current and future justice operators on the particularities of the new criminal justice system; and (2) enhance the ability of attorneys and judges to effectively and efficiently litigate and adjudicate cases, protect individual rights with appropriate accountability, and implement reforms effectively and rapidly.

The Mexican justice sector is at a critical juncture in its implementation of the accusatorial system. As is typical of such transitions, the justice sector has both achieved notable successes and encountered obstacles since the reform process was first ratified by President Felipe Calderón in 2008. To assist with the effective implementation of the system, the Program seeks to enhance private and public justice sector members’ understanding of the accusatorial system and the substantial role they play in it, while also encouraging them to actively engage in the reform process. These efforts are particularly important in light of the federal government’s submission of a draft Federal Criminal Procedure Code to Congress in September 2011, a move that will likely solidify the constitutional reforms adopted in 2008.

Since the draft federal code will be largely seen as the model for many of the states that have not yet approved their own criminal procedure codes, it is crucial that all sectors of society, at both the state and federal level, become actively involved in the debate. As

such, the federal code represents a bridge to promote coordination between federal and state authorities as they seek to implement the accusatorial system in Mexico.

Furthermore, the federal code is one of the elements to allow private practitioners to become fully engaged in the adversarial system. Their active involvement in discussing and analyzing the code will be crucial in securing their understanding, support, and ownership of the new system. Therefore, the Program has taken steps to engage private practitioners into on-going dialogues on this timely issue.

The Program supports the Mexican justice sector in its transition to an accusatorial legal system by:

- Establishing a Working Group to promote local ownership of reforms and training;
- Supporting bar associations via:
 - Conducting an assessment of the legal profession to serve as the basis for reform recommendations;
 - Providing training sessions on skills specific to the new system; and
 - Leading a bar association study tour.
- Supporting law schools via:
 - Conducting an assessment of the legal education system to serve as the basis for reform recommendations;
 - Providing training sessions on skills specific to the adversarial system; and
 - Leading a law school study tour.
- Conducting judicial exchanges via:
 - Supporting professional peer exchanges, including “Sister Courthouse” visits; and
 - Awarding a follow-on subgrant to ensure program sustainability beyond the life of the program.

Personnel

Resident Program staff includes Country Director Alonso González Villalobos; Deputy Country Director Katia Ornelas Núñez; Field Financial Manager Gabriela Cruz Ortiz; Administrative Assistant Karen Sainos Pereyra, who joined the Program in November; and intern Emily Winston, who provided research and programmatic support from October-December. In Q1 CY 2012, the Program will hire at least one more full-time staff member and one intern to meet the programmatic obligations under the modified award.

To date, Program interns have made *pro bono* contributions equal to \$16,800. By employing this strategy, the Program continues to deliver on its cost share obligations, while also achieving operational efficiency and salary savings.

The Program is supported in Washington, D.C. by the Latin America and the Caribbean Division, including Michael McCullough, Director; Chantal Agarwal, Program Manager;

Jeremy Biddle, Program Officer; Melanie Penagos, Program Associate, who joined in October; and Cynthia Arévalo, Administrative Assistant.

B. RESULTS SUMMARY

Working Group for Legal Education & Legal Profession Reform



Presenters discuss the appeals system during the third roundtable, which was hosted by Working Group member ANADE on November 9.

During the current reporting period, members of the Working Group for Legal Education and Legal Profession Reform (“Working Group”) played a prominent role in a series of four roundtable discussions designed to raise the profile of ongoing debate on the draft Criminal Procedure Code. Co-organized by ABA ROLI, non-governmental organizations *RENACE*, Mexico SOS and *Red Nacional a Favor de un Sistema de Juicios Orales y Debido Proceso Legal*, as well as by peer

organization MSI, these roundtables brought together nearly 350 academics, practicing lawyers and law students¹

who are highly familiar with the reforms. Held on October 26 and November 8, 9 and 16, each roundtable was dedicated to critically analyzing a specific area of the draft code: pre-trial detention and the presumption of innocence; investigations and prosecutorial powers; appeals and post-conviction remedies; and the handling of evidence at the pre-trial stage. Working Group members the *Ilustre y Nacional Colegio de Abogados de México* (“INCAM”), the *Barra de Abogados, Colegio de Abogados de México* (“BMA”), the *Asociación Nacional de Abogados de Empresa*



The former Mexico City Attorney General and experts from various states convened at the second roundtable, which was held on November 8 to address investigations and prosecutorial powers.

¹ This number includes in-person attendees and those participating via live webcast.

(“ANADE”) and the *Instituto Tecnológico y de Estudios Superiores de Monterrey* (“Tec de Monterrey”) provided support both by hosting the roundtables and participating as presenters.

Each roundtable discussion was led by six to ten subject experts, who were selected by the event’s organizing institutions to speak with an in-person audience and online attendees, who followed the event via live transmission. Roundtables began with a general description of the particular topic areas, after which presenters expressed their concerns about the proposed reforms and offered suggestions for improvement. Attendees were then given the opportunity to pose questions to the experts. A large share of the concerns expressed centered on whether or not the draft code faithfully adhered to the principles of a true adversarial system.

Each event concluded with a summary of the proposals made by the participating experts. The conclusions from these meetings will be distributed to relevant stakeholders – including members of Congress and members of the Program’s Working Group – in Q1 CY 2012 in order to facilitate additional discussions on the draft code.

Support for Bar Associations

Legal Profession Reform Index

As outlined in the Program’s work plan, the Legal Profession Reform Index (“LPRI”) is an assessment tool which utilizes 24 qualitative factors to examine thematic areas such as admission to the profession, standards of practice, professional ethics and conduct, governance and independence of bar associations, and licensing.

Last quarter, the Program involved Working Group members in the LPRI peer review process in order to promote their ownership of the report. Members’ insightful inputs allowed the Program to make important improvements to the draft LPRI, which was revised this quarter and will be finalized in CY 2012 Q1. The time and effort spent by Working Group members on the LPRI (as well as the LERI, discussed below) represent an in-kind contribution to the Program valued at \$ 53,238.50 USD.² This figure not only demonstrates that a great amount of time and money is invested in the Program, but also demonstrates the level of Working Group members’ commitment to furthering Program objectives.

While the Program worked towards completing the LPRI’s final draft this quarter, next quarter’s activities will focus on finalizing the report and creating the corresponding Reform Guide for Legal Profession and Legal Education in Mexico (“Reform Guide”). Once

² The figure of \$53,238.50 USD is based on ABA ROLI’s standard rate of \$287.00 USD per hour for legal sector experts.

printed, ABA ROLI will release both publications during a rollout event that is scheduled to take place in the upcoming reporting period.

Curriculum Development and Training

During the current reporting period, Program staff and trainers used feedback from prior trainings to review and refine the training materials for the Program's fourth and fifth trial advocacy workshops in Oaxaca and Guanajuato, respectively. By implementing these changes, the Program sought to ensure that training materials were more responsive to the specific characteristics of states where trainings were conducted. For instance, the Program incorporated modifications to states' criminal procedural codes and other criminal justice laws when tailoring materials.

As explained in previous reports, the first four days of these workshops are dedicated to instruction, demonstration, and practice. The fifth and final day of training is reserved for a mock trial proceeding, during which students apply the lessons taught throughout the week. ABA ROLI's trainings are unique (with respect to other institutional programs, national or international) in at least four regards: (1) they are inter-disciplinary for a variety of legal sector professionals, including law school professors, students and private practitioners; (2) they feature a day-long orientation before the training to familiarize trainers with the current state of justice reforms on local and national levels; (3) their first two modules focus on the 2008 constitutional reforms and ethics under the accusatorial system; and (4) they include a mix of international³ and Mexican⁴ trainers to draw on a diversity of cultural, legal and social realities and to facilitate the cross-pollination of best practices.

Moreover, in a meeting with Mr. Felipe Borrego, Secretary of SETEC, the Program reiterated its desire to continue exploring the possibility of having SETEC endorse ABA ROLI's training materials. In this meeting, SETEC confirmed its appreciation for the Program's training efforts and reaffirmed its interest in maintaining contact with ABA ROLI to keep apprised of the Program's activities.

Fourth and Fifth Trainings on Trial Advocacy Skills Successfully Completed

Fourth Training in Oaxaca, Oaxaca

ABA ROLI held its fourth training on trial advocacy skills from November 8 through November 12, 2011, in Oaxaca. Sixty-four private practitioners and law faculty from bar associations and law schools throughout the state attended the course, which was extremely well-received. Although Oaxaca was one of the first states in Mexico to draft

³ From the U.S., Puerto Rico, Colombia, Argentina, Chile and elsewhere.

⁴ The majority of whom are past beneficiaries of USAID or other U.S.-funded training programs.

and pass a new criminal procedure code in 2007 (one year before the constitutional reform of 2008), the code has become operational in only two of the state's eight districts. The state capital, the city of Oaxaca, has been left behind, as few training efforts are aimed at private practitioners.

During the planning stages, ABA ROLI carefully selected a team of experts from its roster of trainers. These trainers were evaluated based on their credentials, previous experience in oral litigation trainings in Latin America, Spanish language proficiency and knowledge of Mexico's criminal justice system. Over twenty applications were received, and of those applicants, the Program selected three Americans with vast experience in the region and two Mexican nationals. It is important to note that one of the Mexican instructors, a former prosecutor from Oaxaca with work experience in both the traditional and reformed systems, employed his practical knowledge of local realities during all training activities. In addition to these five instructors, Program staff also contributed to the workshop by teaching portions of the agenda.



the mock trial held on the final day of activities.

The *Barra Mexicana Colegio de Abogados de Oaxaca, A.C.*, a Working Group member institution, provided crucial assistance to the Program and directly contributed to the workshop's success. For instance, they printed and displayed posters throughout local courts and law schools to promote the training among private practitioners and law school faculty. They also provided a meeting room and coffee break for the workshop's orientation meeting, which represented \$228.34 USD in cost share.⁵

A digital newspaper article from December 30, 2011 demonstrates the local community's importance to the success of this training. For a copy of this article, please see Attachment A of this report.

Fifth Training in Guanajuato, Guanajuato

From December 6-10, 2011, ABA ROLI held its fifth oral advocacy skills training – its best attended to date – at the *Universidad de Guanajuato* in Guanajuato. This course generated substantial interest, as the new criminal procedure code had just come into

⁵ The total was originally recorded as \$3,086 MXP. The figure of \$228.34 USD is based on Oanda.com's exchange rate for the workshop's orientation, November 7, 2011.

effect in September for the northern region of the state. Seventy six private practitioners and law faculty from various bar associations and law schools throughout the state of Guanajuato participated in the training. Though many more legal professionals remained on a waiting list, they were not admitted so as to preserve the dynamic of the small-group sessions.

For this workshop, ABA ROLI once again carefully selected a team of one Mexican and four international trainers – three Americans and one Argentine – from the 20 applications received to lead the training. With support from the *Universidad de Guanajuato* and the *Colegio de Abogados de Guanajuato, A.C.*, the Program secured the participation of a sound group of legal professionals from different public and private law schools and bar associations throughout the state. The *Universidad de Guanajuato*, which hosted the event at no cost and printed certificates of completion and other workshop materials, contributed \$5,515.63 USD in cost share.⁶



Peter Mitchell, a New York-based public defender, presents on cross-examination at the Guanajuato training.

Local counterparts' engagement during the Guanajuato training was overwhelming. Indeed, the large number of registered participants and the long waiting list speak to the extensive interest in the new criminal procedure code in Guanajuato. An article posted prior to the training in a local paper by the *Colegio de Abogados de Guanajuato, A.C.*, which appears in Attachment B of this report, shows that the Program responded to real needs and requests when deciding to deliver its 5th training in Guanajuato.

Training Results

In Oaxaca and Guanajuato, the Program continued to use evaluations based on substantive knowledge gain, which were developed in Q3 CY 2011 with USAID's support and later piloted in Mexicali. The evaluations rely on pre- and post-training testing to gauge each workshop's impact.

⁶ The total was originally recorded as \$75,520 MXP. The figure of \$5,515.63 USD is based on Oanda.com's exchange rate for the workshop's last day, December 10, 2011.

The results from both trainings indicate that the workshops dramatically increased participants' theoretical knowledge and practical understanding of the accusatorial system and oral advocacy skills. For example, in a pre-training survey in Oaxaca, a mere 14% of participants rated their own knowledge of the accusatorial system as “good” or “great.” After the training, however, that percentage jumped to 68%. Similarly, in Guanajuato, these figures increased from 27% to 66%. Moreover, on a substantive test of actual knowledge of the accusatorial system, only 54% of respondents in Oaxaca correctly marked the statement, “You must always cross-examine an opposing witness,” as “false.” But by the training's end, 93% of respondents answered correctly. In Guanajuato, these same numbers spiked from 14% to 59%.

Thus, by the end of both workshops, attendees demonstrated not only more confidence in their abilities, but also more substantive knowledge of the accusatorial system. Furthermore, all participants expressed their strong interest in attending future trainings. Based on these results, the Program also plans to continue improving the contents of its evaluations. For detailed evaluation and test results for the Oaxaca and Guanajuato trainings, please see Attachments C, D, E, and F.

Study Tour for Bar Associations

Follow-on Activity

The Working Group study tour launched in Q2 was brought to a successful conclusion in Q3. Twenty-four Working Group members, all high-level law school and bar association representatives from ten Mexican cities, participated in the week-long study tour to Chicago, Illinois. As a follow-on activity and to ensure sustainability, ABA facilitated the creation of a “Lessons Learned” document in Q3 that synthesized participants' observations and highlighted best practices taken away from the trip. In addition, this document helped inform Working Group members' input into the LPRI and LERI peer review processes, which, in turn, led to the adoption of the reports' final drafts this quarter.

As reported in Q3, all local counterparts in Chicago offered their time to host the Mexican delegation *pro bono* for an in-kind contribution valued at \$58,595.50 USD.

Support for Law Schools

Legal Education Reform Index

As stated in prior quarters, the Legal Education Reform Index (“LERI”) is a qualitative diagnostic tool designed to assess a country's legal education system based on 22 factors, including licensing, accreditation, and evaluation of law schools; curriculum and teaching methodology; student evaluation and awarding of degrees; and institutional capacity.

Last quarter, the Program completed the first draft of the LERI in close consultation with LERI Assessor and head of the *Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho*, Mr. Luis Fernando Pérez Hurtado. The first draft was translated into Spanish and submitted to the Working Group for peer review, along with the first draft of the LPRI, for a September 28, 2011 peer review meeting.

This quarter, the Program finished incorporating the Working Group's feedback into a final draft. Next quarter, ABA ROLI will create the Reform Guide based on the results of both reports and will release all publications at a joint rollout event.

Curriculum Development and Training

Curriculum development and most trainings for law schools were implemented in the same fashion as for bar associations. Given that these components are conducted jointly, please refer to pages 6-9 of this report for further information.

In addition to the week-long trial advocacy trainings, the Program continued to organize high-impact, minimal-cost events for law school faculty and students - one in Mexico City and one in Chihuahua City.

Mock Trial at *TEC de Monterrey's* Mexico City Campus



Students at Tec de Monterrey's Preparatory School engage in discussions with presenters.

In October and November, the Program assisted in the launch of a mock trial program at the prestigious *Tec de Monterrey's* Preparatory School, a Working Group partner institution. This semester, the school initiated a mock trial program for its high school students with the purpose of educating them on criminal justice system reforms, while also fanning interest among graduating students to pursue law.

When the mock trial program began on October 14, 2011, Deputy Country Director Katia Ornelas Núñez gave 75 students an introductory presentation on the state of criminal justice reform in Mexico.

The presentation covered the pitfalls of the traditional system as well as the goals of the new system. In an interactive setting, students were encouraged to identify problems with the current criminal justice system and express their ideas on how to make it more effective. This exchange of ideas resulted in a very lively and well-informed discussion.

In November, after the students had spent several weeks preparing for the mock trial, the Program's intern, Emily Winston, returned to the school for two days (November 17 and 18, 2011) to assist the students with their final preparations and to judge the trial. On the first day, she gave the students a short presentation on the chief components of an oral trial and detailed the roles of each actor during every phase of the trial. She then spent a day and a half working with small groups to help the students prepare their opening and closing statements and their questions for witnesses. The event culminated in a mock trial, over which Ms. Winston and the Dean of the Law School, Paulo Arnaldo Ruiz García, presided.

Roundtable on Draft Federal Criminal Procedure Code in Chihuahua

On November 18, 2011, ABA ROLI Mexico's Country Director, Alonso González Villalobos, participated in a roundtable discussion on the draft Federal Criminal Procedure Code in Chihuahua. The event was attended by over 50 law students and faculty from the *Universidad Autónoma de Chihuahua's* Law School, a Working Group partner institution. Mr. González-Villalobos gave a general overview of the structure, content, and peculiarities of the draft federal code, comparing it to other state level codes currently being implemented. Co-panelist Claudia Cony Velarde, a graduate lecturer at the host institution, presented on other areas of the same draft code, and contrasted them with existing legislation in the state of Chihuahua. By the end of the presentation, all participants expressed their interest in further analyzing the contents of the proposed federal code, agreeing on its vital importance to the functionality of the accusatorial system.



Law students and faculty participate in the November 18 roundtable on the draft Code in Chihuahua.

Study Tour for Law Schools

This activity has been completed. As mentioned above, this component was combined with the bar association study tour to: (i) ensure that the inter-related topics of legal profession and legal education reform are explored in a holistic manner; (ii) maximize resources; and (iii) foster continued dialogue and strengthen ties among Working Group

members and, by extension, Mexican bar associations and law schools. More details of the Working Group study tour are provided in the Program's Q3 CY 2011 report.

Judicial Exchanges

Professional Peer Exchanges

During this quarter, the Program began preparing logistics for its third "Sister Courthouse" exchange in El Paso, Texas, which is described below. As mentioned above, given the modifications to the Program's work plan under a cost extension award, certain components of the Program's "judicial exchanges" may be phased out in favor of increased involvement in support of legal profession and legal education reform as per USAID's instructions.

Sister Courthouses

The Program's third "Sister Courthouse" visit is scheduled to take place in El Paso, Texas in Q1 CY 2012. This two-day exchange will bring 13 Mexican judges to El Paso, where they will be welcomed by a U.S. delegation of state and federal judges led by the Hon. Phillip Martinez, a U.S. District Court Judge. The contingent of Mexican judges will include pre-trial, trial, and appeals judges from the state of Chihuahua who are specialized in criminal law. Full details of this exchange will be provided in the Q1 CY 2012 report.

Study Tour – Judicial Sector

In this quarter, the Program continued exploring various options for its judicial study tour, and corresponded with Mexican state judges to continue gauging their interest in participating in such an exchange. Apparently, collective interest is inclined towards visiting countries such as Chile, Colombia and Costa Rica, whose adversarial systems are viewed as closer to Mexico's own under the new constitutional reform. In upcoming quarters, the Program will continue laying the groundwork for the tour scheduled for CY 2012, unless instructed otherwise.

Follow-on Subgrant(s)

No activities were conducted this quarter towards the planned subgrant. Activities with the subgrantee(s) will closely follow progress in the "Sister Courthouse" program and judicial study tour, as outlined in the Program's work plan. These will be developed in conjunction relevant state judiciary councils to promote continuity and sustainability.

Overall, as in previous quarters, the Program witnessed tremendous progress towards its stated program objectives and its overarching goal of strengthening the legal education and legal profession regimes in Mexico. As outlined throughout this report, this quarter in

particular saw a number of major programmatic accomplishments. Below, please find special highlights on the most noteworthy of these accomplishments.

Success Stories

Stemming from the activities reported above, the following three stories highlight the Program's success in effecting meaningful change not only among its immediate Mexican counterparts, but also throughout Mexico.

Training Course Gives Oaxacan Defense Attorney New Skills as a Lawyer and New Faith in the Transformation of the Criminal Justice System

Oaxaca native Gerardo Francisco López Thomas is a graduate of the *Universidad Regional del Sureste*, and has been a practicing litigator in Mexico since 1989. In his office files, he houses records for more than 5,000 litigated cases and has an office staff of four lawyers and four legal assistants. He was first drawn to criminal legal aid because of the trust that criminal defendants place in their lawyers in Mexico and around the world. When taking a new case, he always asks that his clients give him three things: “trust—so that my client and their families have faith in me and my knowledge; calm—so that they do not feel pressed for time; and patience—because trials can be very long.”



Mr. López Thomas does not think that the current criminal justice system in Mexico is entirely bad. Nonetheless, he freely acknowledges that it operates too slowly: “Only 15-20% of cases are really the type that should be going through the process of a trial, based on their importance, their significance – cases such as homicide, rape, kidnapping. The other 80% should never go to trial; they should be resolved through

alternative solutions, as trials are very expensive for the state.”

As an example, he noted a case involving a client's minor injury, one that took less than 15 days to heal. Though the case was relatively trivial, it could not be closed until the forensics department conducted a medical evaluation on

the client. According to Mr. López Thomas, bureaucratic delays in the system caused the evaluation to be put off for the better part of a year. Needless to say, the case was discarded.

Mr. Gerardo López Thomas, Esq., explains how an ABA ROLI training impacted the way he practices law.

He also mentioned that the accused are often imprisoned because they are unable to post bail. Mr. López Thomas once defended a client accused of physical harm, an allegation for which the bail was set at \$5,000 MXP.⁷ Because his client could not afford the fine, he spent time in jail equivalent to the crime's maximum penalty. All Mr. López Thomas could do at that point was request that his client be released because he had served the maximum sentence before he had ever been found guilty or sentenced to prison. Noting that these and other minor cases clog the criminal justice system, Mr. López Thomas expressed his dismay over the monetary and societal costs of such a backlog to Mexican taxpayers.

Before attending ABA ROLI's trial advocacy workshop in Oaxaca from November 8-12, Mr. López Thomas had never had an opportunity to receive training on the new criminal justice system because he lacked the time and money to do so. Fortunately, the Program's course presented a perfect option for him: it fit his schedule and was held free of charge.

Even though the new system has not yet been implemented in the city of Oaxaca, Mr. López Thomas has already been able to use the skills he learned during ABA ROLI's course. "At the moment, I have four clients detained by the police" he explained, "and if they are presented at midnight before the judge, now I am going to create a theory of the case for each one of them, as explained in the course this morning." Based on what he learned about an accusatorial justice system in the course, Mr. López Thomas thinks that the new system will be more effective and efficient for all parties involved: "It will be a tool, and not an easy one, but one that will help apply justice in a way that is aware of rights, not ignorant of rights."

Oral Advocacy Training Encourages Young Practitioners to Follow an Ethical Path

From December 6-12, 2011, ABA ROLI offered an oral advocacy training in Guanajuato, a state which recently instituted the new accusatorial criminal procedure code in September. Given the new system's novelty and local practitioners' lack of familiarity with its principles, the workshop was the Program's best attended to date, drawing a total of 76 private practitioners and law school faculty from public and private institutions.

For Luz Edelmira Muñoz Herrera, a



Ms. Luz Edelmira Muñoz Herrera, Esq. with her students at Universidad La Salle, Baja Law School, Oaxaca, Mexico, November 12, 2011.

⁷ This is equivalent to \$370 USD based on Oanda.com's exchange rate for the Oaxaca workshop Sunday, November 12, 2011.

professor at the *Universidad La Salle Bajío* Law School in León who also provides legal counsel to an insurance company, one topic at the training struck her as particularly compelling: the role of ethics in the adversarial system. Luz appreciated the oral advocacy skills she practiced throughout the week, but noted that “you can learn the theory by heart, but the way you really learn, is by practicing.” Nevertheless, Luz felt that the discussions on ethics were not only inspiring, but also a reminder of their absence in Mexico’s current legal system. Luz feels that in practice, Mexican litigators focus on winning cases regardless of the quality of their performance. She also believes that corruption is widespread, and that cases are very often won by “gifts” given to various justice sector actors rather than by the merits of the case or the performance of the lawyers. Thus, the training’s reflections on professional responsibility were an asset for Luz, who was reminded of the importance of ethics for both private practitioners and law school professors. Inspired by the training’s message, Luz concluded, “I will remind and encourage my students to study hard, to not take the easy way, so that they can increase the quality of the justice system at large.”

Law studentship tour inspired by the Working Group’s study tour to Chicago proves a total success

As reported in the Q3 CY 2011 report, the Program’s Working Group study tour inspired one of its participants to replicate the experience for aspiring law students. In October 2011, Paulo Arnaldo Ruiz Garcia, a Working Group member and Dean of Law Programs at *Tec de Monterrey, Campus Ciudad de México*, led a group of 40 aspiring law students⁸ from *Tec de Monterrey’s* high school to Chicago to meet members of the Chicago Bar Association, federal and state courts, and the Chicago-Kent College of Law, among other legal and cultural institutions.

Mr. Ruiz Garcia’s trip was a total success for his students, as the sample reports drafted by participants at the request of school authorities clearly demonstrate. Please see Attachments G and H for copies of these reports. The following two quotes from these reports highlight the tour’s profound impact on students:

“The experience that we had during that week in Chicago was something that I could not imagine was going to happen in my life. Just imagine [sic] being inside a Criminal Court in the United States, being inside the Chicago Border Trade, was something incredible, something that I never expected. All the things that I learned inside the courts & in the stock market, is knowledge that I cannot learned [sic] inside a classroom, or in a TV series. The knowledge is something that we learned for being there, not only from books.”

“The reason that I made this trip was because we were going to visit the Mercantile Stock Exchange of Chicago and not for all the law visit (sic) that we were going to make. But it is

⁸ All students are high school seniors studying International Law and Economy, aspiring to pursue law.



ironic that I really like and enjoy learning about how the law works and going to all the trials. It was very interesting to see how an oral trial works, if I didn't like a lot the finances (sic), I am sure that I will study law."

Cost-Extension

ABA ROLI is honored by USAID's decision to issue a cost extension modification to increase the breadth and scope of the Program's activities until 2013, and looks forward to continued collaboration with the mission during this new phase of programming.